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Security Council

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Resolution 1916 (2010)

Adopted by the Security Council at its 6289th meeting, on 19 March 2010

The Security Council,

Reaffirming its previous resolutions and the statements of its President concerning the situation in Somalia, and concerning Eritrea, in particular resolution 733 (1992), which established an embargo on all delivery of weapons and military equipment to Somalia (hereinafter referred to as the "Somalia arms embargo"), resolution 1519 (2003), resolution 1558 (2004), resolution 1587 (2005), resolution 1630 (2005), resolution 1676 (2006), resolution 1724 (2006), resolution 1744 (2007), resolution 1766 (2007), resolution 1772 (2007), resolution 1801 (2008), resolution 1811 (2008), resolution 1844 (2008), resolution 1853 (2008), resolution 1862 (2009,) and resolution 1907 (2009),

Recalling that, as set out in its resolutions 1744 (2007) and 1772 (2007), the arms embargo on Somalia does not apply to (a) weapons and military equipment, technical training and assistance intended solely for support of or use by the African Union Mission in Somalia (AMISOM), and (b) supplies and technical assistance by States intended solely for the purpose of helping develop security sector institutions, consistent with the political process set out in those resolutions and in the absence of a negative decision by the Committee established pursuant to resolution 751 (1992), the mandate of which was expanded pursuant to resolution 1907 (2009) (hereinafter referred to as "the Committee"), within five working days of receiving an advance notification of such supplies or assistance on a case-by-case basis,

Reaffirming its respect for the sovereignty, territorial integrity, political independence and unity of Somalia, Djibouti and Eritrea respectively,

Reaffirming that the Djibouti Peace Agreement and the Peace Process represent the basis for a resolution of the conflict in Somalia, and reiterating its commitment to a comprehensive and lasting settlement of the situation in Somalia based on the Transitional Federal Charter (TFC), and reiterating the urgent need for all Somali leaders to take tangible steps to continue political dialogue,

Commending the work of the Special Representative of the Secretary-General, Mr. Ahmedou Ould-Abdallah, and reaffirming its strong support for his efforts,

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Taking note of the report of the Monitoring Group dated 12 March 2010 (S/2010/91) submitted pursuant to paragraph 3 (j) of resolution 1853 (2008) and the observations and recommendations contained therein,

Expressing concern at acts of intimidation against the Monitoring Group and interference with the Monitoring Group's work,

Condemning flows of weapons and ammunition supplies to and through Somalia and Eritrea in violation of the Somalia arms embargo and the Eritrea arms embargo established pursuant to resolution 1907 (2009) (hereinafter referred to as the "Eritrea arms embargo"), as a serious threat to peace and stability in the region,

Calling upon all Member States, in particular those in the region, to refrain from any action in contravention of the Somalia and Eritrea arms embargoes, and to take all necessary steps to hold violators accountable,

Affirming the importance of enhancing the monitoring of the Somalia and Eritrea arms embargoes through persistent and vigilant investigation into the violations, bearing in mind that strict enforcement of the arms embargoes will improve the overall security situation in the region,

Determining that the situation in Somalia, Eritrea's actions undermining peace and reconciliation in Somalia as well as the dispute between Djibouti and Eritrea continue to constitute a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

1. *Stresses* the obligation of all States to comply fully with the measures imposed by resolution 733 (1992) as elaborated and amended by subsequent relevant resolutions, as well as resolution 1844 (2008) and resolution 1907 (2009);

2. *Reiterates* its intention to consider specific action to improve implementation of and compliance with measures imposed by resolution 733 (1992), resolution 1844 (2008) and resolution 1907 (2009);

3. *Decides* that paragraphs 11 (b) and 12 of resolution 1772 (2007) also apply to supplies and technical assistance by international, regional and subregional organizations;

4. *Underscores* the importance of humanitarian aid operations, condemns politicization, misuse, and misappropriation of humanitarian assistance by armed groups and calls upon Member States and the United Nations to take all feasible steps to mitigate these aforementioned practices in Somalia;

5. *Decides* that for a period of twelve months from the date of this resolution, and without prejudice to humanitarian assistance programmes conducted elsewhere, the obligations imposed on Member States in paragraph 3 of resolution 1844 (2008) shall not apply to the payment of funds, other financial assets or economic resources necessary to ensure the timely delivery of urgently needed humanitarian assistance in Somalia, by the United Nations, its specialized agencies or programmes, humanitarian organizations having observer status with the United Nations General Assembly that provide humanitarian assistance, or their implementing partners, and decides to review the effects of this paragraph every 120 days based on all available information, including the report of the Humanitarian Aid Coordinator submitted under paragraph 11 below;

6. *Decides* to extend the mandate of the Monitoring Group referred to in paragraph 3 of resolution 1558 (2004), and requests the Secretary-General to take the necessary administrative measures as expeditiously as possible to re-establish the Monitoring Group for a period of twelve months, drawing, as appropriate, on the expertise of the members of the Monitoring Group established pursuant to resolution 1853 (2008), and consistent with resolution 1907 (2009), with the addition of three experts, in order to fulfil its expanded mandate, this mandate being as follows:

(a) to continue the tasks outlined in paragraphs 3 (a) to (c) of resolution 1587 (2005) and paragraphs 23 (a) to (c) of resolution 1844 (2008);

(b) to carry out additionally the tasks outlined in paragraphs 19 (a) to (d) of resolution 1907 (2009);

(c) to investigate, in coordination with relevant international agencies, all activities, including in the financial, maritime and other sectors, which generate revenues used to commit violations of the Somalia and Eritrea arms embargoes;

(d) to investigate any means of transport, routes, seaports, airports and other facilities used in connection with violations of the Somalia and Eritrea arms embargoes;

(e) to continue refining and updating information on the draft list of those individuals and entities that engage in acts described in paragraphs 8 (a) to (c) of resolution 1844 (2008), inside and outside Somalia, and their active supporters, for possible future measures by the Council, and to present such information to the Committee as and when the Committee deems appropriate;

(f) to compile a draft list of those individuals and entities that engage in acts described in paragraphs 15 (a)-(e) of resolution 1907 (2009) inside and outside Eritrea, and their active supporters, for possible future measures by the Council, and to present such information to the Committee as and when the Committee deems appropriate;

(g) to continue making recommendations based on its investigations, on the previous reports of the Panel of Experts (S/2003/223 and S/2003/1035) appointed pursuant to resolutions 1425 (2002) and 1474 (2003), and on the previous reports of the Monitoring Group (S/2004/604, S/2005/153, S/2005/625, S/2006/229, S/2006/913, S/2007/436, S/2008/274, S/2008/769 and S/2010/91) appointed pursuant to resolutions 1519 (2003), 1558 (2004), 1587 (2005), 1630 (2005), 1676 (2006), 1724 (2006), 1766 (2007), 1811 (2008) and 1853 (2008);

(h) to work closely with the Committee on specific recommendations for additional measures to improve overall compliance with the Somalia and Eritrea arms embargoes, as well as the measures imposed in paragraphs 1, 3 and 7 of resolution 1844 (2008) and paragraphs 5, 6, 8, 10, 12 and 13 of resolution 1907 (2009) concerning Eritrea;

(i) to assist in identifying areas where the capacities of States in the region can be strengthened to facilitate the implementation of the arms embargo, as well as the measures imposed in paragraphs 1, 3 and 7 of resolution 1844 (2008) and paragraphs 5, 6, 8, 10, 12 and 13 of resolution 1907 (2009) concerning Eritrea;

(j) to provide to the Council, through the Committee, a midterm briefing within six months of its establishment, and to submit progress reports to the Committee on a monthly basis;

(k) to submit, for the Security Council's consideration, through the Committee, a final report covering all the tasks set out above, no later than 15 days prior to the termination of the Monitoring Group's mandate;

7. *Further requests* the Secretary-General to make the necessary financial arrangements to support the work of the Monitoring Group;

8. *Reaffirms* paragraphs 4, 5, 7, 8 and 10 of resolution 1519 (2003);

9. *Requests* the Committee, in accordance with its mandate and in consultation with the Monitoring Group and other relevant United Nations entities, to consider the recommendations in the reports of the Monitoring Group dated 5 April 2006, 16 October 2006, 17 July 2007, 24 April 2008, 10 December 2008 and 12 March 2010 and recommend to the Council ways to improve implementation of and compliance with the arms embargoes as well as implementation of the measures imposed in paragraphs 1, 3 and 7 of resolution 1844 (2008) and paragraphs 5, 6, 8, 10, 12 and 13 of resolution 1907 (2009) concerning Eritrea, in response to continuing violations;

10. *Requests* that all States, including Eritrea, other States in the region, and the Transitional Federal Government ensure cooperation with the Monitoring Group by individuals and entities within their jurisdiction or under their control;

11. *Requests* the United Nations Humanitarian Aid Coordinator for Somalia to report every 120 days to the Security Council on the implementation of paragraphs 4 and 5 above and on any impediments to the delivery of humanitarian assistance in Somalia, and requests relevant United Nations agencies and humanitarian organizations having observer status with the United Nations General Assembly that provide humanitarian assistance to assist the United Nations Humanitarian Aid Coordinator for Somalia in the preparation of such report by providing information relevant to paragraphs 4 and 5 above;

12. *Urges* that all parties and all States, particularly those in the region, including international, regional and subregional organizations, cooperate fully with the work of the Monitoring Group and ensure the safety of its members, and unhindered access, in particular to persons, documents and sites the Monitoring Group deems relevant to the execution of its mandate;

13. *Decides* to remain actively seized of the matter.